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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: TERRORIST ATTACKS
ON SEPTEMBER 11, 2001,

03 MDL 1570 (GBD)(FM)

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New York, N.Y.
May 13, 2015
10:15 a.m.

Before:

HON. FRANK MAAS,

Magistrate Judge

APPEARANCES

For Plaintiffs:

KREINDLER & KREINDLER
BY: JAMES P. KREINDLER
ANDREW J. MALONEY

ANDERSON KILL
BY: JERRY S. GOLDMAN
BRUCE STRONG

MOTLEY RICE
BY: ROBERT T. HAEFELE

COZEN O'CONNOR
BY: SEAN P. CARTER

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APPEARANCES (continued)

For Defendants:

BERNABEI & WACHTEL

BY: ALAN R. KABAT

SALERNO & ROTHSTEIN

BY: PETER C. SALERNO

AMY ROTHSTEIN

LAW OFFICE OF OMAR T. MOHAMMEDI

BY: OMAR T. MOHAMMEDI

MARTIN F. McMAHON & ASSOCIATES

BY: MARTIN F. McMAHON

LAW OFFICES OF CHRISTOPHER MANNING

BY: CHRISTOPHER MANNING

MOLO LAMKEN

BY: ROBERT K. KRY

CLIFFORD CHANCE

BY: STEVEN COTTREAU

RONI E. BERGOFFEN

LEWIS BAACH

BY: AISHA E. HENRY

WALEED NASSAR

GOETZ & ECKLAND

BY: FREDERICK J. GOETZ

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1 THE COURT: Okay.

2 Anything else on the plaintiffs' side?

3 MR. CARTER: The last issue, your Honor, that we had
4 raised was we're still a bit troubled by the timing of the
5 production by Al Haramain USA of the collection of documents
6 relating to its efforts to persuade the United Nations and the
7 U.S. to lift the sanctions that have been imposed upon Al
8 Haramain USA for the stated purpose of allowing the remaining
9 director to dissolve the entity and disburse its remaining
10 assets.

11 I think the timing of the production troubles us based
12 on the track record with the defendant, along with the fact
13 that the Court is presently in the process of considering a fee
14 application that would result in the imposition of monetary
15 sanctions.

16 Obviously the disbursement of the remaining assets
17 would remove from our reach assets that we might otherwise
18 pursue in satisfaction of either a fee award or with respect to
19 the default judgment that's previously been issued as to the
20 parent organization in Saudi Arabia.

21 THE COURT: Presumably the default judgment would
22 dwarf anything that you might gain by way of legal fees.

23 MR. KABAT: Your Honor, may I briefly speak to that?

24 THE COURT: Please.

25 MR. KABAT: We represent all the defendants who
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1 plaintiff alleged have not produced anything.

2 One group of them, the current and former officers of
3 the Muslim World League and the International Islamic Relief
4 Organization do not have personal control and custody of the
5 MWL or the IIRO documents. Instead, what has happened, the
6 Muslim World League and the IIRO have produced some 345,000
7 pages of documents which essentially are the documents that
8 plaintiff requested from the individual officers of those
9 entities. So it would be pointless for our firm to have to go
10 through the 345,000 documents that the other firm has produced
11 and say, Okay, this one is responsive for Dr. Al-Turki, this
12 one is responsive for Dr. Naseef.

13 THE COURT: All of that is interesting, but I'm not
14 sure it responds to the point that Mr. Carter was making with
15 respect to Al Haramain. He doesn't want to see money walk out
16 the door, and I'm not sure --

17 MR. KABAT: I'm sorry, your Honor. I didn't hear
18 Mr. Carter say -- I know he talked about the other group of
19 defendants they were complaining about.

20 THE COURT: Let me revert back to Mr. Carter.

21 Tell us again what it is you're seeking and why.

22 MR. CARTER: Your Honor, I take it at this point we
23 are simply requesting an explanation as to why this particular
24 groups of Al Haramain USA documents that relates specifically
25 to efforts to obtain the removal of sanctions against it were

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1 not produced in a timely manner and were instead held and
2 produced even after the document production deadline.

3 THE COURT: But you did receive those documents now?

4 MR. CARTER: We did receive them; but your Honor had
5 previously dealt with a range of motions about Al Haramain not
6 producing documents in a timely manner. So we've been down
7 this road before.

8 And given the subject matter of the documents that
9 were produced belatedly, we unfortunately could see a reason
10 why Al Haramain USA might have an incentive not to have
11 produced this earlier, because, candidly, it likely would have
12 resulted in efforts on our part to reach out to the U.N. and
13 the U.S. to explain that the removal of sanctions could have
14 adverse consequences to the rights and litigation interests of
15 the 9/11 victims.

16 MR. KABAT: I think there are two separate issues.

17 First of all, we did put in some documents they teared
18 up. We then went back and looked at our earlier production and
19 realized we had not supplemented that to the court filings in
20 the Organ case.

21 And the other issue that they have raised is that the
22 two individual officers of Al Haramain and Organ, what we did
23 was all the documents that Al Haramain produced are essentially
24 those that the individual officers would have produced if they
25 had had access to those documents. So that's why the two

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1 individual officers are not producing anything further
2 themselves beyond what Al Haramain itself has produced. So as
3 far as we're concerned, there is really no further issue as to
4 the Al Haramain defendants.

5 THE COURT: Were you able to hear that?

6 MR. CARTER: I was able to hear it, your Honor, but
7 unfortunately I still don't think we have an answer to the
8 specific question as to why documents, some of which involve
9 communication from Mr. Kabat's firm relating to the delisting
10 request, weren't produced in a timely manner.

11 MR. KABAT: I'm sorry, I didn't quite get that.

12 THE COURT: He's asking why in particular documents
13 relating to the effort to have Al Haramain delisted were not
14 produced timely, fearing that it may prejudice the plaintiffs'
15 ability to say that Al Haramain should not be de-designated
16 because that might enable Al Haramain to disburse its remaining
17 funds to the prejudice of the plaintiffs.

18 MR. KABAT: Al Haramain has been defunct for almost 12
19 years. It did not have access to the funds OFAC has, the
20 Office of --

21 THE COURT: Let me just interrupt you for a second.

22 How much money are we talking about roughly?

23 MR. KABAT: I believe it's less than a quarter
24 million.

25 THE COURT: Okay.

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1 MR. KABAT: Also, with the caveat that we have several
2 times asked OFAC for an accounting, we've never gotten one.

3 But we do not have control of those funds; OFAC does.

4 THE COURT: I understand your concern, Mr. Carter.
5 But since you have the documents now, and presumably have your
6 remedies with respect to the U.S. Government, I'm not sure what
7 else I can usefully pursue with Mr. Kabat with respect to this
8 issue.

9 MR. CARTER: Your Honor, it may be an issue we wish to
10 raise with reference to some of the prior court orders about
11 the timeliness of productions and what your Honor expected of
12 them. So we're content to defer it.

13 THE COURT: Okay.

14 Anything else on the plaintiffs' side?

15 MR. CARTER: No, your Honor.

16 MR. GOLDMAN: No, your Honor.

17 MR. MALONEY: No, your Honor.

18 THE COURT: Anything on the defendants' side?

19 MR. SALERNO: Your Honor, just a matter that's
20 completely nonsubstantive. But I was wondering if your Honor
21 would consider entering a blanket order in this case allowing
22 counsel to bring tablets and laptops into these hearings. It
23 would be a great convenience, and the rules are a little
24 cumbersome.

25 THE COURT: I would consider it. The only problem is
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